

Ropers Majeski Kohn & Bentley
A Professional Corporation
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Attorneys for Defendants
KAISER ALUMINUM CORPORATION and
KAISER ALUMINUM & CHEMICAL
CORPORATION

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

MOSS LANDING COMMERCIAL PARK
LLC,

Plaintiff,

v.

KAISER ALUMINUM CORPORATION,
KAISER ALUMINUM & CHEMICAL
CORPORATION, and DOES 1 through
100,

Defendants.

CASE NO. C07 06072 RMW/PVT

**JOINT STIPULATION AND ORDER TO CONTINUE FURTHER CASE
MANAGEMENT CONFERENCE**

CMC: December 12, 2008
Time: 10:30 A.M.
Courtroom 6
Honorable Ronald M. Whyte, Judge

WHEREAS, Moss Landing Commercial Park, LCC ("MLCP") has sued Defendants
Kaiser Aluminum Corporation ("KAC") and Kaiser Aluminum & Chemical Corporation

1 (“KACC”)¹ pertaining to alleged contamination of real property, surface waters, and groundwater
2 in Moss Landing, California; and

3 WHEREAS, Kaiser filed its Motion of Reorganized Debtors to (A) Enforce Injunctions
4 Issued in Connection with the Second Amended Joint Plan of Reorganization and (B) Compel
5 Moss Landing Commercial Park LLC to Dismiss with Prejudice Its Lawsuit Against Kaiser
6 Aluminum Corporation and Kaiser Aluminum & Chemical Corporation, in the United States
7 Bankruptcy Court for the District of Delaware. This motion was heard in Wilmington, Delaware
8 on February 25, 2008. The Bankruptcy Court granted the motion, and ordered this action
9 dismissed without prejudice; and

10 WHEREAS, subsequently, MLCP sought an emergency stay of the order by the Delaware
11 District Court pending its appeal from the order of the Bankruptcy Court for the District of
12 Delaware, which was granted; and

13 WHEREAS, the parties have filed their briefs with the Delaware District Court and are
14 awaiting a ruling by the Delaware District Court;

15 NOW, THEREFORE, the parties stipulate that the case management conference currently
16 scheduled for December 12, 2008 before this Honorable Court be continued to February 20, 2009,
17 at 10:30 A.M.

18 The parties further stipulate that the parties will file a joint report with the Court on the
19 status of MLCP’s appeal of the Bankruptcy Court’s order no later than seven (7) days prior to the
20 continued CMC, unless the Delaware District Court rules on the appeal before then, in which case
21 the parties shall promptly notify this Court of that ruling.

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27 ¹ As part of the restructuring transactions consummated in connection with KAC’s and KACC’s plan of
28 reorganization, KACC was merged into Kaiser Aluminum & Chemical Corporation LLC in 2006. References to
KACC herein include Kaiser Aluminum & Chemical Corporation LLC.

Ropers Majeski Kohn & Bentley
A Professional Corporation
San Francisco

1 Dated: December 10, 2008

ROPERS, MAJESKI, KOHN & BENTLEY

2 By: _____/s/

3 THOMAS H. CLARKE, JR.

4 TIMOTHY A. DOLAN

Attorneys for Plaintiff MOSS LANDING
COMMERCIAL PARK LLC

5 Dated: December 10, 2008

JONES DAY

6 By: _____/s/

7 THOMAS M. DONNELLY

8 Attorneys for Defendants KAISER ALUMINUM
9 CORPORATION and KAISER ALUMINUM
AND CHEMICAL CORPORATION

10
11 IT IS SO ORDERED.

12 Dated: December 10, 2008

Ronald M. Whyte

RONALD M. WHYTE

UNITED STATES DISTRICT COURT JUDGE

13 The Case Management Conference is continued to February 20, 2009 at 10:30 am. (rmw)